

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CARLOS E. AYALA ALBERTO §
VS. § CIVIL ACTION NO. 1:18-CV-75
BOBBY RADER §

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Carlos E. Ayala Alberto, a pre-trial detainee confined at the Liberty County Jail, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends allowing petitioner to proceed with his excessive bail claim and dismissing the remaining claims for lack of jurisdiction.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. The petitioner filed objections to the magistrate judge's Report and Recommendation. In addition, the petitioner filed an amended petition in which he alleges he has been denied his right to a speedy trial.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that the petitioner's objections lack merit. The petitioner should be allowed to proceed with his claims that his bail is excessive and he is being denied a speedy trial. All other claims should be dismissed.

ORDER

Accordingly, the petitioner's objections (document no. 5) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 3) is **ADOPTED**. The court will consider the petitioner's claims of excessive bail and denial of a speedy trial, and all other claims are **DISMISSED**.

SIGNED this the **6** day of **December, 2018**.



Thad Heartfield
Thad Heartfield
United States District Judge